

Realizing the importance of assuring that the benefits of programmatic regulations outweigh their costs, my legislation will also provide Medicare+Choice providers regulatory relief from overreaching HCFA dictates. Rather than devoting substantial human and financial resources toward compliance activities, which leaves fewer resources available for paying for health care services provided to beneficiaries, Medicare+Choice plans ought to be left to the fullest extent possible to the business they know best: providing high quality and cost effective health care to our Medicare beneficiaries.

Congress must devote more adequate funding to the Medicare+Choice program, and work to ensure that resources are allocated in such a way as to assure that the Medicare+Choice program is viable in areas where beneficiaries have already selected health plan options and that the program can expand in areas where such options are not yet widely available. I am sponsoring Beneficiaries' Choice Stabilization Act with just these goals in mind, and I hope my colleagues will join me in a bipartisan effort to save and strengthen the Medicare+Choice program and the valuable health benefits it provides for our Medicare population which relies on them.

#### DEPARTMENT OF JUSTICE REPORT OF RACE AND GEOGRAPHIC DISPARITIES IN FEDERAL CAPITAL PROSECUTIONS

Mr. FEINGOLD. Mr. President, in recent months, our Nation has begun to question the fairness of the death penalty with greater urgency. Now, with details of the Justice Department report being released, we have learned that just as we feared, the same serious flaws in the administration of the death penalty that have plagued the states also afflict the federal death penalty. The report documents apparent racial and regional disparities in the administration of the federal death penalty. All Americans agree that whether you die for committing a federal crime should not depend arbitrarily on the color of your skin or randomly on where you live. When 5 of our 93 United States Attorneys account for 40 percent of the cases where the death penalty is sought; when 75 percent of federal death penalty cases involve a minority defendant, something may be awry and it's time to stop and take a sober look at the system that imposes the ultimate punishment in our names.

I first urged the President to suspend federal executions to allow time for a thorough review of the death penalty on February 2 of this year. I repeat that request today, more strongly than ever. While I understand the Attorney General plans further studies of some of the issues raised by the report, additional internal reviews alone will not satisfy public concern about our system. With the solemn responsibility

that our government has to the American people to ensure the utmost fairness and justice in the administration of the ultimate punishment, and with the first federal execution since 1963 scheduled to take place before the end of the year, a credible, comprehensive review can be conducted only by an independent commission.

This is what Governor Ryan decided in Illinois. He created an independent, blue ribbon commission to review the criminal justice system in his state, while suspending executions. The wisdom of that bold stroke by Governor Ryan is clear, both to supporters and opponents of capital punishment. The federal government must do the same. The President should appoint a blue ribbon federal commission of prosecutors, judges, law enforcement officials, and other distinguished Americans to address the questions that are raised by the Justice Department report and propose solutions that will ensure fairness in the administration of the federal death penalty.

I urge the President to suspend all federal executions while an independent commission undertakes a thorough review. That is the right thing to do, given the troubling racial and regional disparities in the administration of the federal death penalty. Indeed, it is the only fair and rational response to these disturbing questions. Let's take the time to be sure we are being fair. Let's temporarily suspend federal executions and let a thoughtfully chosen commission examine the system. American ideals of justice demand that much.

#### CABIN USER FEE FAIRNESS ACT OF 1999

Mr. CRAIG. Mr. President, soon the Senate will take up S. 1938, the Cabin User Fee Fairness Act of 1999. It is designed to set a new course for the Forest Service in determining fees for forest lots on which families and individuals have been authorized to build cabins for seasonal recreation since the early part of this century.

In 1915, under the Term Permit Act, Congress set up a program to give families the opportunity to recreate on our public lands through the so-called recreation residence program. Today, 15,000 of these forest cabins remain, providing generation after generation of families and their friends a respite from urban living and an opportunity to use our public lands.

These cabins stand in sharp contrast to many aspects of modern outdoor recreation, yet are an important aspect of the mix of recreation opportunities for the American public. While many of us enjoy fast, off-road machines and watercraft or hiking to the backcountry with high-tech gear, others enjoy a relaxing weekend at their cabin in the woods with their family and friends.

The recreation residence programs allows families all across the country

an opportunity to use our national forests. This quiet, somewhat uneventful program continues to produce close bonds and remarkable memories for hundreds of thousands of Americans, but in order to secure the future of the cabin program, this Congress needs to reexamine the basis on which fees are now being determined.

Roughly twenty years ago, the Forest Service saw the need to modernize the regulations under which the cabin program is administered. Acknowledging that the competition for access and use of forest resources has increased dramatically since 1915, both the cabin owners and the agency wanted a formal understanding about the rights and obligations of using and maintaining these structures.

New rules that resulted nearly a decade later reaffirmed the cabins as a valid recreational use of forest land. At the same time, the new policy reflected numerous limitations on use that are felt to be appropriate in order keep areas of the forest where cabins are located open for recreational use by other forest visitors. Commercial use of the cabins is prohibited, as is year-round occupancy by the owner. Owners are restricted in the size, shape, paint color and presence of other structures or installations on the cabin lot. The only portion of a lot that is controlled by the cabin owner is that portion of the lot that directly underlies the footprint of the cabin itself.

At some locations, the agency has determined a need to remove cabins for a variety of reasons related to "higher public purposes," and cabin owners wanted to be certain in the writing of new regulations that a fair process would guide any future decisions about cabin removal. At other locations, some cabins have been destroyed by fire, avalanche or falling trees, and a more reliable process of determining whether such cabins might be rebuilt or relocated was needed. It was determined, therefore, that this recreational program would be tied more closely to the forest planning process.

The question of an appropriate fee to be paid for the opportunity of constructing and maintaining a cabin in the woods was also addressed at that time. Although the agency's policies for administration of the cabin program have, overall, held up well over time, the portion dealing with periodic redetermination of fees proved in the last few years to be a failure.

A base fee was determined twenty years ago by an appraisal of sales of "comparable" undeveloped lots in the real estate market adjacent to the national forest where a cabin was located. The new policy called for reappraisal of the value of the lot twenty years later—a trigger that led to initiation of the reappraisal process in 1995.

In the meantime, according to the policy, annual adjustments to the base fee would be tracked by the Implicit Price Deflator (IPD), which proved to be a faulty mechanism for this purpose.

Annual adjustments to the fee based on movements of the IPD failed entirely to keep track of the booming land values associated with recreation development.

As the results of actual reappraisals on the ground began reaching my office in 1997, it became clear that far more than the inoperative IPD was out of alignment in determining fees for the cabin owners.

At the Pettit Lake tract in Idaho's Sawtooth National Recreation Area, the new base fees skyrocketed into alarming five-digit amounts—so high that a single annual fee was nearly enough money to buy raw land outside the forest and construct a cabin. Meanwhile, the agency's appraisal methodology was resulting in new base fees in South Dakota, in Florida, and in some locations in Colorado that were actually lower than the previous fee.

At the request of the chairman of the House Committee on Agriculture in 1998, the cabin owners named a coalition of leaders of their various national and state cabin owner associations to examine the methodology being used by the Forest Service to determine fees. It became obvious to these laymen that analysis of appraisal methodology and the determination of fees was beyond their grasp, and a respected consulting appraiser was retained to guide the cabin owners through their task. The report and recommendations of the coalition's consulting appraiser is available from my office for those who might wish to examine the details. This legislation reflects the coalition's consulting appraiser's report and comments from the Administration and the appraiser they hired to review their appraisal process.

This is highly technical legislation. Its purpose is to send a clear set of instructions to appraisers in the field and a clear set of instructions to forest managers to respect the results of appraisals undertaken to place value on the raw land being offered cabin owners. Additionally, the purpose of this legislation is to ensure that the cabin program continues long into the future, that it provides a fair return to the taxpayers, and continues to generate a profit for the Treasury.

I ask unanimous consent that the section-by-section analysis for S. 1938 be entered into the RECORD following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SECTION-BY-SECTION ANALYSIS

##### SEC. 1 TITLE

This Act may be cited as the "Cabin User Fee Fairness Act of 2000"

##### SEC. 2 FINDINGS

Current appraisal procedures for determining recreation residence user fees have, in certain circumstances, been inconsistently applied in determining fair market values for cabin lots demonstrating the need for clarification of these provisions.

##### SEC. 3 PURPOSES

The purposes of the Act are 1) to ensure that the National Forest System recreation

residence program is managed to preserve the opportunity for individual and family-oriented recreation and 2) to develop a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

##### SEC. 4 DEFINITIONS

This section defines the terms "agency" "authorization" "base cabin user fee" "cabin" "cabin owner" "cabin user fee" "caretaker cabin" "current cabin user fee" "lot" "natural, native state" "program" "Secretary" "tract" "tract association" and "typical lot"

##### SEC. 5 ADMINISTRATION OF RECREATION RESIDENCE PROGRAM

To the maximum extent practicable, the Secretary will determine a cabin user fee for owners of privately owned cabins, authorized to be built on National Forest land, that reflects the market value of the cabin lot and regional and local economic influences.

##### SEC. 6 APPRAISALS

The Secretary will establish an appraisal process to determine the market value of a typical lot or lots at a cabin tract. Section 6 describes the unique characteristics of the lots authorized for use under the Forest Service recreation residence program, and the characteristics of parcels of land sold in the private sector that might appropriately provide comparable market information for purposes of determining market value.

As a first step, the Secretary will complete an inventory of existing improvements to the cabin lots in the program to determine whether these improvements were paid for by the agency, by third parties, or by the cabin owner. Improvements paid for by the cabin owner (or his predecessor) are not included in the market value. There is a rebuttable presumption that improvements were paid for by the cabin owner or his predecessor.

The Secretary will contract with an appropriate appraisal organization to manage the development of specific appraisal guidelines. An appraisal shall be performed by a State-certified general real estate appraiser in compliance with Uniform Standards of Professional Appraisal Practice, Uniform Appraisal Standards for Federal Land Acquisitions, and specific appraisal guidelines developed in accordance with this Act.

Reappraisal for the purpose of recalculation of the base cabin user fee shall occur not less often than once every 10 years.

##### SEC. 7 CABIN USER FEES

To determine the annual base cabin user fee, the Secretary shall multiply the market value of the cabin lot by 5 percent. This calculation reflects restrictions imposed by the permit, including the limited term, absence of significant property rights, and the public's right of access to, and use of, any open portion of the forest lot upon which the cabin is located.

If the Secretary decides to discontinue use of a lot as a cabin site, payment of the full base cabin user fee will be phased out in equal increments over the final 10 years of the existing authorization. If the decision to eliminate the authorization for use as a cabin lot is reversed, the cabin owner may be required to pay any portion of fees that were forgone as a result of the expectation of termination.

The cabin owner's fee obligation terminates if an act of God or catastrophic event makes it unsafe to continue occupying a cabin lot.

##### SEC. 8 ANNUAL ADJUSTMENT OF CABIN USER FEE

The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average

of a published price index that reports changes in rural or similar land values in the State, county, or market area in which the lot is located. An adjustment to the fee may not exceed 5 percent per year, but the amount of adjustment exceeding 5 percent shall be carried forward for application in the following year or years.

At the end of the initial 10-year period, the Secretary has the option to choose a different index if it is determined that this index better reflects change in the value of a cabin lot over time.

##### SEC. 9 PAYMENT OF CABIN USER FEES

A cabin user fee shall be prepaid annually by the cabin owner. If the increase over the current base cabin user fee exceeds 100 percent, payment of the increased amount shall be phased in over three years.

##### SEC. 10 RIGHT OF SECOND APPRAISAL

On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner may obtain a second appraisal at the cabin owner's expense. The Secretary shall determine a new base cabin user fee that is equal to the base cabin user fee determined by the initial appraisal or the second appraisal, or within that range of values.

##### SEC. 11 RIGHT OF APPEAL AND JUDICIAL REVIEW

The Secretary shall grant the cabin owner the right to an administrative appeal of the determination of a new base cabin user fee. A cabin owner that is adversely affected by a final decision of the Secretary may bring a civil action in United States district court.

##### SEC. 12 CONSISTENCY WITH OTHER LAW AND RIGHTS

Nothing in this Act limits or restricts any right, title, or interest of the United States in or to any land or resource. The Secretary shall not establish a cabin user fee or a condition affecting a cabin user fee that is inconsistent with the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

##### SEC. 13 REGULATIONS

The Secretary shall promulgate regulations to carry out this Act within 2 years of the date of enactment.

##### SEC. 14 TRANSITION PROVISIONS

The Secretary may complete the current appraisal process in accordance with the policy in effect prior to enactment of this Act.

For annual cabin fees conducted on or after September 30, 1995 but prior to promulgation of regulations required under this Act, the Secretary shall temporarily charge an annual cabin user fee as determined by appraisals occurring since September 30, 1995, provided that the amount charged shall not be more than \$3,000 greater than the cabin user fee in effect on October 1, 1996, as adjusted for inflation.

In the absence of an appraisal conducted on or after September 30, 1995, the Secretary shall continue to charge the annual cabin user fee in effect on the date of enactment of this Act until a new fee is determined under the new regulations and the right of the cabin owner to a second appraisal is exhausted.

Not later than 2 years after promulgation of final regulations, cabin owners who received a new appraisal after September 30, 1995, but prior to promulgation of new regulations under this Act, may request a new appraisal or peer review of the existing appraisal. Such request must be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

Peer review will be conducted by an independent professional appraisal organization. If peer review determines that the earlier appraisal was conducted in a manner inconsistent with this Act, such appraisal may be

revised accordingly, or subject to an agreement with the cabin owners, a new appraisal and fee determination may be conducted.

Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

For annual cabin user fees capped by an increase of \$3,000, if the new appraisal or peer review resulted in a cabin fee that is 90% or more of the appraisal conducted on or after September 30, 1995 but prior to the promulgation of regulations under this Act, the Secretary shall charge the cabin owner the unpaid difference between those two appraised cabin fees in three annual equal installments.

In the absence of a request for a new appraisal or peer review, the Secretary may consider the base cabin user fee resulting from the appraisal conducted after September 30, 1995, to be the base cabin user fee in accordance with this Act.

### WILDFIRES

Mr. CRAPO. Mr. President, I rise to acknowledge the efforts of the tens of thousands of brave men and women who have fought this year's rash of wildfires throughout the West. These firefighters have weakened the menacing flames that have burned millions of acres of western states, taking lives and devouring farmland, forests and homes. More than six and a half million acres have been destroyed this year. My home state of Idaho, with one and a quarter million acres lost to the flames, has been one of the most harmed.

This fire season is the worst we have faced in fifty years. It is clear that without the help of the many people who are fighting these fires, many inhabited areas of the West could become smoldering expanses of charred remains. I offer my sincerest gratitude to everyone participating in the effort to combat the devastating fires. Their work protecting lives, property and the environment is appreciated by all westerners and is crucial to the western economy.

Firefighters and fire support teams have been deployed from a range of federal and municipal agencies including county sheriffs departments, local volunteer fire departments, tribes and other local crews throughout the West and the Forest Service, the Bureau of Land Management, the Bureau of Indian Affairs, the National Park Service, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. Help has also been enlisted from the National Guard and battalions from the U.S. Army and the U.S. Marine Corps as well as from trained individuals from Canada, Mexico, Australia and New Zealand. Most of these efforts have been coordinated out of the National Interagency Fire Center, located in Boise, Idaho.

Battling fires is dangerous and exhausting work. The air is warm, smoke-filled and flecked with ash. Most of the firefighter's time is spent building firelines, burning out areas, moping up after fires and directly at-

tacking fires. These tasks often entail miles of walking, and hours of tough manual labor, like scraping the ground, chopping and digging, all while wearing uncomfortable protective equipment.

The work is so demanding that some firefighters still lose weight even though they have consumed five or six thousand calories a day. Sleep is often inadequate and infrequent. Some teams along the fire line have been known to work 48-hour shifts before calling it a day. Firefighters can almost count on receiving blistered feet and bloodshot eyes. Serious injuries and even death are ever-present risks. This year, sixteen people have suffered fire-related fatalities.

Fire support teams also have been working overtime as drivers, equipment operators, paramedics, medical staff, and trouble shooters. It is an enormous management task just to make sure that all of the firefighters are fed and that they receive the equipment, medical attention, and time to sleep.

I commend all of the firefighters and support teams for meeting the physical and mental challenges with bravery and steadfast determination. I know I speak for all when I say that our thoughts and prayers are for their safety and we are eager for them to return to their normal lives.

The fire season is not yet over as hundreds of fires blaze and threats of more lightening storms that could bring new fires loom. This is indeed a difficult time, although we can take peace of mind from the fact that steady, well-trained hands are working on our behalf to keep the towering flames at bay. Right now, it is important to be grateful for the hard work that has been done to protect us and hopeful for an end to the destruction.

### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 11, 2000, the Federal debt stood at \$5,680,975,300,511.24, five trillion, six hundred eighty billion, nine hundred seventy-five million, three hundred thousand, five hundred eleven dollars and twenty-four cents.

Five years ago, September 11, 1995, the Federal debt stood at \$4,962,944,000,000, four trillion, nine hundred sixty-two billion, nine hundred forty-four million.

Ten years ago, September 11, 1990, the Federal debt stood at \$3,231,889,000,000, three trillion, two hundred thirty-one billion, eight hundred eighty-nine million.

Fifteen years ago, September 11, 1985, the Federal debt stood at \$1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million.

Twenty-five years ago, September 11, 1975, the Federal debt stood at \$548,918,000,000, five hundred forty-eight billion, nine hundred eighteen million, which reflects a debt increase of more

than \$5 trillion—\$5,132,057,300,511.24, five trillion, one hundred thirty-two billion, fifty-seven million, three hundred thousand, five hundred eleven dollars and twenty-four cents, during the past 25 years.

### ADDITIONAL STATEMENTS

#### COMMENDING RUTHIE MATTHES AND STACY DRAGILA

• Mr. CRAPO. Mr. President, I rise today to commend the remarkable accomplishments of Ruthie Matthes, an Idaho native and a cross-country cyclist, and Stacy Dragila, an Idaho constituent and pole vaulter.

At the United States Olympic Track and Field trials in July, Stacy cleared fifteen feet, two and a quarter inches, which broke her personal record by a half-inch and further solidified her qualification to represent the United States at the Sydney 2000 Olympic Games.

Stacy, a native of Auburn, California, graduated from Idaho State University and currently resides in Pocatello in my home state of Idaho. It is an honor that she has chosen to live in Idaho and continues to do a lot of her training in Idaho.

Stacy has won three of four national championships since the pole vault became an official event in 1997. She currently ranks as the defending world champion and has broken her indoor and outdoor world records a combined eight times since August. All of her competitions have been approached with maximum effort and dedicated preparation.

At the U.S. Track and Field Trials, Stacy tried to break her record again, attempting fifteen feet, five inches, three times. She missed each of her three tries, but ended the competition encouraged and gratified nonetheless. "It helps me to know that I can jump under pressure," she said. "And it's nice to know that I'm attempting 15-5 and I still have things to work on."

Ruthie Matthes was born in Sun Valley, ID, and lived in neighboring Ketchum throughout most of her formative years. She began cycling as part of her training for alpine hill ski racing. Her decision to cycle full-time was followed by great success.

Between 1990 and 1996, Ruthie took home two bronze, two silver, and one gold medal at the World Mountain Bike Championships. She was also the National Cross-Country champion from 1996-1998. Her off-road career now includes three consecutive national cross-country titles.

Ruthie deserves as much praise for her athletic prowess as she does for her positive sports ethic. "You have to stay true to your heart," says Matthes. "Do your very best and enjoy it. Whether you finish first, tenth or last, all of it is an opportunity to learn about yourself."

These two women, and other devoted athletes, serve as reminders that,